

RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE – Art Unit 2876

Attorney Docket No. 213828013US4

REMARKS

Claims 8-12, 22-31 and 45-55 were pending in the application at the time the present Office Action was mailed. Claims 1, 11, 23, 25, 29 and 30 have been amended by the present response to clarify certain aspects of these claims, and claim 26 has been cancelled. Accordingly, claims 8-12, 22-25, 27-31 and 45-55 remain pending in the present application.

Claims 8-12, 22-31 and 45-55 were rejected in the present Office Action. More specifically, the status of the claims in view of the Office Action is as follows:

(A) Claims 8-12, 22-31 and 45-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,116,402 to Beach et al. ("Beach") in view of U.S. Patent No. 5,618,063 to Chang et al. ("Chang").

The undersigned attorney wishes to thank the Examiner for engaging in a telephone conference on July 12, 2005 to discuss the present Office Action. During the course of the telephone conference, the undersigned attorney and the Examiner discussed a number of distinctions between the pending claims and the applied references. For example, the undersigned attorney and the Examiner discussed the perforations of claim 22. In addition, the undersigned attorney and the Examiner also discussed the Chang reference, specifically noting that this reference fails to teach or suggest a thermally responsive media that becomes substantially non-visible with the application of heat. The following remarks summarize the points raised during the July 12 telephone conference and reflect the agreements reached.

A. Response to the Section 103 Rejections of Claims 8-12, 22-31 and 45-55

Claims 8-12, 22-31 and 45-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beach in view of Chang.

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1. Beach and Chang Cannot Support a Section 103 Rejection of Independent Claim 8 for at Least the Reason That These References Fail to Teach or Suggest a Voucher Having Thermally Responsive Indicia That Becomes Substantially Non-Visible in Response to a Change in Ambient Temperature

Independent claim 8 is directed to a voucher configured to assist in distinguishing unauthorized duplicate or counterfeit vouchers. The voucher of claim 8 includes, *inter alia*, a first indicia and a thermally responsive second indicia on a substrate. As amended, claim 8 recites that the second indicia "is configured to become substantially non-visible in response to a change in ambient temperature."

The Office Action relies on the Chang reference to teach the thermally responsive second indicia of independent claim 8. As the Examiner acknowledged during the July 12 telephone conference, however, Chang fails to teach or suggest an indicia that becomes *less visible* in response to a change in ambient temperature. In fact, Chang teaches a composition that does just the opposite. Specifically, Chang teaches a composition that becomes *more visible* in response to a change in ambient temperature. That is, Chang teaches a substantially colorless composition that *produces visible colored markings* under the application of heat. (See, e.g., Chang Abstract and Col. 3, lines 7-15). Accordingly, the applied references cannot support a proper Section 103 rejection of independent claim 8 for at least the reason that these references fail to teach or suggest the thermally responsive indicia of claim 8. Therefore, the rejection of claim 8 should be withdrawn.

Claims 9-11 and 45-47 depend from base claim 8. Accordingly, the applied references cannot support a Section 103 rejection of dependent claims 9-11 and 45-47 for at least the reason that these references cannot support a Section 103 rejection of corresponding base claim 8, and for the additional features of these dependent claims. Therefore, the rejections of dependent claims 9-11 and 45-47 should be withdrawn.

The rejection of dependent claim 11 should be withdrawn for at least one additional reason. Claim 11 recites that the voucher of claim 8 further includes a third indicia on the substrate. The third indicia is at least partially obscured by the second

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indicia when a temperature of the second indicia is below an activation temperature. However, the third indicia is less obscured by the second indicia when the temperature of the second indicia is above the activation temperature. Nowhere does Chang teach or suggest this feature. Accordingly, the rejection of dependent claim 11 should be withdrawn for this additional reason.

2. Beach and Chang Cannot Support a Section 103 Rejection of Independent Claim 22 for at Least the Reason That These References Fail to Teach or Suggest a Voucher Having a Plurality of Perforations Defining a Pattern and a Thermally Responsive Indicia

Claim 22 has not been amended by the present response. Claim 22 is directed to a voucher that includes, *inter alia*, a first indicia and a thermally responsive second indicia on a substrate. The thermally responsive second indicia is configured to change appearance in response to a change in ambient temperature. The voucher of claim 22 further includes a plurality of perforations which define a pattern in the substrate.

As the Examiner acknowledged during the July 12 telephone conference, neither of the applied references teach or suggest the plurality of perforations called for in claim 22. Therefore, the rejection of independent claim 22 should be withdrawn for at least this reason.

Claims 23 and 24 depend from base claim 22. Accordingly, the applied references cannot support a Section 103 rejection of dependent claims 23 and 24 for at least the reason that these references cannot support a Section 103 rejection of corresponding base claim 22, and for the additional features of these dependent claims. Therefore, the rejection of dependent claims 23 and 24 should be withdrawn.

The rejection of dependent claim 23 should be withdrawn for at least one additional reason. Claim 23 recites that the thermally responsive second indicia includes thermo-chromic ink that becomes substantially non-visible at a temperature above 75° Fahrenheit. Nowhere does Chang teach or suggest this feature. To the contrary, as explained above, Chang teaches a substantially colorless coating that behaves in the opposite manner, namely, by "producing visible colors under the

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application of heat." Therefore, the rejection of dependent claim 23 should be withdrawn for this additional reason.

Independent claims 25, 29 and 30 include features that are at least generally similar to the thermally responsive indicia of claim 8 discussed above. For example, claim 25 includes a feature that becomes substantially non-visible in response to an increase in temperature, claim 29 includes a feature that becomes substantially invisible in response to an increase in temperature, and claim 30 includes a feature that substantially disappears in response to an increase in temperature. As discussed in detail above, Chang neither teaches nor suggests these features. Therefore, the rejections of independent claims 25, 29 and 30 should be withdrawn for at least these reasons.

Claims 27, 28, 50 and 51 depend from base claim 25. Claims 52 and 53 depend from base claim 29, and claims 31, 54 and 55 depend from base claim 30. Accordingly, the applied references cannot support a Section 103 rejection of dependent claims 27, 28, 31 and 50-55 for at least the reason that these references cannot support a Section 103 rejection of corresponding base claims 25, 29 and 30, and for the additional features of these dependent claims. Therefore, the rejection of dependent claims 27, 28, 31 and 50-55 should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for immediate allowance. If the Examiner believes another telephone conference would facilitate prosecution of the present application, the Examiner is encouraged to contact the undersigned attorney at (206) 359-6351.

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